

Entered -11-01-02 - sb  
CL 02L0791 - GWENDOLYN BURNS

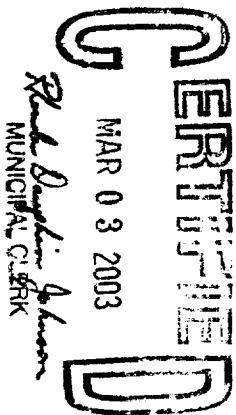
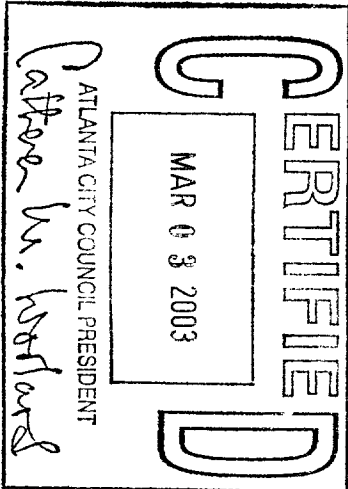
03- R -0272

CLAIM OF:

DEREK N. MARKS  
1231 Druid Knoll Drive, NE  
Atlanta, Georgia 30305

For vehicular damages alleged to have been sustained from a construction cut that was left open and in an unsafe condition on September 22, 2002 at 494 Ponce De Leon Avenue, NE.

THIS ADVERSED REPORT IS  
APPROVED



BY: Rosalind Rubens Newell  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

ADVERSED BY: MAR 03 2003

## ADVERSE REPORT

COMM: Public Safety

DATE: 2-25-03

CHAIR:

Chela Henslow  
C. J. Martin  
Mary Newell  
[Signature]  
[Signature]



## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

March 17, 2003

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

Derek N. Marks  
1231 Druid Knoll Dr., NE  
Atlanta, GA 30305

03-R-0272

Dear Mr. Marks:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on March 03, 2003. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0791

Date: February 11, 2003

Claimant /Victim DEREK N. MARKS  
BY: (Atty) (Ins. Co.)  
Address: 1231 Druid Knoll Drive, NE, Atlanta, Georgia 30067  
Subrogation: Claim for Property damage \$ 270.00 Bodily Injury \$  
Date of Notice: 10/29/02 Method: Written, Proper X Improper  
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 9/22/02 Place: 494 Ponce de Leon Avenue, NE  
Department Division  
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that his vehicle sustained damage when he drove over a construction site that was left open and in an unsafe condition. However, Ponce de Leon Avenue, NE is a state route and is operated and maintained by the State of Georgia, Department of Transportation. All road construction projects on state routes are conducted by the State of Georgia or a contractor that obtained a construction permit through the State of Georgia. The claimant has been so advised and his claim has been forwarded to the State of Georgia for resolution.

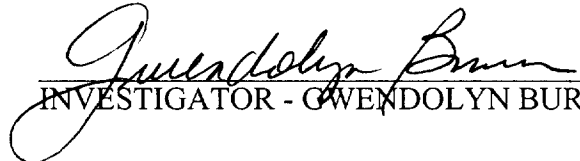
INVESTIGATION:

Statements: City employee Claimant Others Written Oral  
Pictures Diagrams Reports: Police Dept Report Other X  
Traffic citations issued: City Driver Claimant Driver  
Citation disposition: City Driver Claimant Driver


BASIS OF RECOMMENDATION:

Function: Governmental Ministerial  
Improper Notice More than Six Months Other X Damages reasonable  
City not involved X Offer rejected Compromise settlement  
Repair/replacement by Ins. Co. Repair/replacement by City Forces  
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,

  
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2P01 2H01  
Claims Manager:  Concur/date 02-13-03  
Committee Action: Council Action

RCS# 4504  
3/03/03  
2:24 PM

Atlanta City Council

Regular Session

CONSENT 1

Pgs. 1-11: Except 03-R-0321;

Adopt

YEAS: 12  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 4  
EXCUSED: 0  
ABSENT 0

NV Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	NV Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	NV Boazman	NV Woolard

CONSENT 1

<b>3/03/03 FULL COUNCIL MEETING</b>	
<b>Items Adopted on the Consent Agenda</b>	<b>Items Adversed on the Consent Agenda</b>
1. 03-O-0154	32. 03-R-0244
2. 03-O-0155	33. 03-R-0246
3. 03-O-0156	34. 03-R-0247
4. 03-O-0157	35. 03-R-0248
5. 03-O-0158	36. 03-R-0249
6. 03-O-0159	36.03-R-0250
7. 03-O-0227	37.03-R-0251
8. 03-O-0230	38.03-R-0252
9. 03-O-0231	39. 03-R-0253
10. 03-O-0278	40. 03-R-0254
11. 03-R-0232	41. 03-R-0255
12. 03-R-0285	42. 03-R-0256
13. 03-R-0216	43. 03-R-0257
14. 03-R-0222	44. 03-R-0258
15. 03-R-0309	45. 03-R-0259
16. 03-R-0226	46. 03-R-0260
17. 03-R-0283	47. 03-R-0261
18. 03-R-0284	48. 03-R-0262
19. 03-R-0324	49. 03-R-0263
20. 03-R-0237	50. 03-R-0264
21. 03-R-0238	51. 03-R-0265
22. 03-R-0239	52. 03-R-0266
23. 03-R-0240	53. 03-R-0267
24. 03-R-0241	54. 03-R-0268
25. 03-R-0242	55. 03-R-0269
26. 03-R-0243	56. 03-R-0270
27. 03-R-0245	57. 03-R-0271
28. 03-R-0279	58. 03-R-0272
29. 03-R-0280	59. 03-R-0273
30. 03-R-0281	60. 03-R-0274
31. 03-R-0282	61. 03-R-0275
	62. 03-R-0276
	63. 03-R-0277

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Consent I Vote: 12Yeas; 0 Nays: (See RCS #4504)  
Item Removed from the Consent Agenda: 03-R-0321